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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/905,775	07/13/2001	Michael P. Spratt	B-4242 618937-3	3501

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EXAMINER

NGUYEN, QUYNH H

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 10/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/905,775	Applicant(s) SPRATT, MICHAEL P.	
	Examiner Quynh H Nguyen	Art Unit 2642	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/13/01.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7, 9-18, and 20-21 is/are rejected.
- 7) ☒ Claim(s) 6, 8 and 19 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>7/13/01</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-5, 7, and 9-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Toh (U.S. Patent 5,987,011) in view of Robert et al. (U.S. Patent 6,104,712).

Regarding claims 1 and 2, Toh teaches a method for passing a message (col. 12, lines 1-3) to a target receiver at a known location (Fig. 8a, destination node 24), wherein the message is carried towards the target receiver by one or more mobile entities (intermediate nodes 22) by short-range communication (ad-hoc mobile communications) (col. 4, lines 52-67). Toh further teaches each mobile node comprises a routing table to support a plurality of routes through the network between source and destination mobile hosts (col. 3, line 66 through col. 4, line 11) and routing protocol to support the movement of a node (col. 3, line 34-51) reads on claimed "the message including an indication of the location of the target receiver". Toh does not specifically suggest the mobile entities are used to carry the message following a determination that

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its direction of travel is appropriate to progress the message on its way to the target receiver.

Robert et al. teach a communication network has a plurality of terminal devices that are carried along with individuals, each wireless node has an IP address, URL, or telephone number. A GPS keeps track of the instantaneous position, and a local processor accesses this database to determine node-to-node paths to a destination (see abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate the feature mentioned above, as taught by Robert, in Toh's system in order maximize utilize the benefit of short range communication.

Regarding claim 3, Robert et al. teach the network is operated within confined boundaries, or other geographically bounded region. The node includes a geolocation detector that locates the instantaneous position of the node (col. 2, lines 51-53) reads on claim 3.

Claims 4, 5, and 7 are rejected for the same reasons as discussed above with respect to claim 1. Furthermore, Toh teaches intermediate nodes 22.

Claim 9 is rejected for the same reasons as discussed above with respect to claims 1 and 4. Furthermore, Toh teaches the route parameters that govern the ABR route selection (col. 10, lines 8-22 and table 1). However, Toh does not teach deriving a reference direction and comparing its direction of travel with the reference direction and determining that it is appropriate to carry to the message only upon the compared directions being within a predetermined angular range of each other. It would have

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been obvious on one of ordinary skill in the art at the time the invention was made to incorporate the mentioned above features to Toh's system in order to have a better system.

Regarding claims 10-16, Toh teaches the process of decreasing the transmission distance, calculating the necessary power and transmitting the packet is repeated until the adjusted distance is no longer positive (col. 15, lines 17-59); and the sky wave signal propagation relies on the incidence angle and the angle of refraction (col. 7, line 63 through col. 8, line 15). However, Toh does not teach at least one mobile entity when carrying the message seeks to pass on the message to another mobile entity or multiple entities upon its direction of travel no longer being appropriate to progress the message on its way to the target receiver; informing by the message-receiving mobile entity as to whether the latter has accepted to carry the message. It would have been obvious to one of ordinary skill in the art to incorporate the mentioned above features in Toh's system to have a short range device that cover the radio transmitters which provide either uni-directional or bi-directional communication that have low capability of causing interference to other radio equipment.

Claim 17 is rejected for the same reasons as discussed above with respect to claim 1.

3. Claim 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Toh (U.S. Patent 5,987,011) in view of Robert et al. (U.S. Patent 6,104,712) and further in view of Stiller et al. (U.S. Patent 6,704,283).

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Claims 18, 20, and 21 are rejected for the same reasons as discussed in claims 1 and 11. Furthermore, Stiller et al. teach a short-range transceiver capable of determining the presence nearby of the mobile entity (col. 6, line 29); a memory for holding the message (Fig. 2, 14).

Allowable Subject Matter

4. Claims 6, 8, and 19 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Stiller et al. (U.S. Patent 6,130,881) teach traffic routing in small wireless data networks.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quynh H. Nguyen whose telephone number is 703-305-5451. The examiner can normally be reached on Monday - Thursday from 6:30 A.M. to 5:00 P.M.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar, can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

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qhn

Quynh H. Nguyen

September 16, 2004


AHMAD MATAR
SUPERVISORY PATENT EXAMINER
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